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10/591,105

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Philippe Leonetti

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EXAMINER

RANDALL, JR., KELVIN L

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/591,105	<b>Applicant(s)</b> LEONETTI, PHILIPPE	
	<b>Examiner</b> Kelvin L. Randall, JR.	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 32-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-48 and 51-62 is/are rejected.
- 7) ☒ Claim(s) 49 and 50 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/30/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 32-40, 43, 44, 47, 51-54, and 56--58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolini (US 2002/0145003 A1-hereinafter Nicolini) in view of Yamaguchi (US 2003/0178435 A1-hereinafter Yamaguchi), Patrick et al. (FR 002839958 A1-hereinafter Patrick), and D. A. Council (3,064,856-hereinafter Council).  
Re Claims 32-34, 37-40, 47, 52-54, and 56:

Nicolini teaches an apparatus for automatically dispensing products that are at least one of voluminous, heavy and sold in packs (page 1 paragraph [0002]), the apparatus comprising of at least one box (see Fig. 2) comprising at least one storage unit (examiner notes as the interior cavity of the vending machine) for the products comprising platforms superimposed in tiers (10) (page 1 paragraph [0020]), a transfer means (14) provided in the transfer zone (examiner notes as the area at which the elevator 14 travels) for receiving on a contacting plane the product (see Fig. 1 and page 1 paragraph [0027]) and transporting the product from the storage unit to at least one outlet orifice (located at 12), a means (12) for blocking the outlet orifice so as, when in a closed position, to prevent access to an interior of the storage unit (see Fig. 4), and, when in an open position, to allow the product to exit (see Fig. 2), an anti- tampering

Art Unit: 3651

means (22, 24) for preventing access to the interior of the storage unit when the blocking means (12) is in the open position (page 2 paragraphs [0035-0036]), and a means for monitoring the unit parts (sensors 34, 31, and 33), but fails to teach a means (40) for advancing at least one of the product (2) to at least one transfer zone (50), a transfer means (51) provided in the transfer zone (50) for receiving on a contacting plane the product (2) pushed by the advancement means (40), a pushing means (70) for evacuating the product (2) outside the box (10) through the outlet orifice (60), and a means for monitoring the unit.

Yamaguchi teaches a means (223) for advancing at least one of a product (A) to at least one transfer zone (examiner notes as the area at which the products are released from the shelves (see Fig. 2) and page 2 paragraph [0021]). Re Claim 34: Yamaguchi teaches wherein the dispensing apparatus comprises at least one of a payment means (12) and a selection means (14) for at least one of the products contained within the dispensing apparatus (1) (see Fig. 1). Re Claim 37: Yamaguchi teaches wherein the advancement means pushes at least one row of products (see Fig. 2). Re Claim 38: Yamaguchi teaches wherein each row of product comprises an advancement means (223) (see Fig. 2). Re Claim 39: Yamaguchi teaches wherein the advancement means (223) are common to several rows of products (see Fig. 1, examiner notes that the advancement means will serve several common rows of columns). Re Claim 40: Yamaguchi teaches wherein the advancement means (223) comprises at least one motor (222) connected via at least one transmission (examiner notes that motor and

Art Unit: 3651

transmissions are obvious of one another) to a pushing means (223) for pushing a corresponding row of the products (see Fig. 2). Re Claim 47: Yamaguchi teaches wherein a fixed platforms (21) in the storage unit (1) comprise, in front, a downwardly inclined ramp (23) for pushing the product (A) held by the movable platform (3-examiner notes is movable in between a 1<sup>st</sup> and 2<sup>nd</sup> position) onto the platform when it is displaced downward (see Fig. 2). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have been motivated to combine the teachings of Nicolini with the product advancing means as suggested in Yamaguchi's disclosure so as to facilitate the removal of a product from a give shelf system.

Patrick teaches a pushing means (located at 7) for evacuating a product (3) outside a box (see Fig. 1) through an outlet orifice (located at 11) (see Figs. 3-8). Re Claims 33, 53, and 54: Patrick teaches wherein a blocking means comprises at least one trap door (6-covers orifice) connected to an actuation means (19, 13), controlled by the pushing means (7, 5: examiner notes pushing means has actuation means (17,18)), so as to open the trap door (6-displacing it parallel to itself) in order to allow the product (3) to exit and close the trap door (6) once the product has exited (see Figs 1-17). Re Claim 52: Patrick teaches the outlet orifice comprises a sliding platform (see Fig. 1-located near 4) outside the box equipped with at least one ramp inclined towards a floor (see Fig. 8). Re Claim 56: Patrick teaches wherein the pushing device (located at 7) blocks the outlet orifice when the trap door is in the open position, and constitutes at least part

Art Unit: 3651

of the anti-tampering means (see Figs. 5-7). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have been motivated to combine the teachings of Nicolini with Yamaguchi and Patrick in order to allow for the horizontal displacement of products exiting a storage area to a dispensing area.

Council further in view teaches a means for monitoring a unit (col. 1 lines 20-29).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have been motivated to combine the teachings of Nicolini with Yamaguchi, Patrick, and Council in order to provide a thermally regulated dispensing system for heavy or food like products, capable of anti theft measures and transporting a product from an interior of a container to an exterior. It would have also been obvious in the combination of Nicolini, Yamaguchi, Patrick, and Council that the advancing means would be capable of pushing a product onto the transferring means as stated above for further dispensing functions.

Further Re Claims 35 and 36:

Nicolini teaches wherein the tiers (10) in the storage unit consist of fixed platforms (11) each capable of receiving at least one row of the products (see Fig. 1) and wherein

Art Unit: 3651

each fixed platform (11) holds several rows of products arranged side by side and separated by guide means (see Fig. 1).

Further Re Claims 43 and 44:

Nicolini teaches wherein the transfer means (14) comprises at least one motor (19) connected to a movable platform (14) via at least one transmission (17) in order to displace the movable platform (14) to the inside of the transfer zone (examiner notes as the area at which the elevator 14 travels) in front of the fixed platforms (11) of the storage unit along guides (15) integral with the box and wherein the transmission is selected from the group consisting at least rack and pinion, an endless screw and bolt, a chain and pinion and a belt and pulley system (page 1 paragraph [0027]).

Further Re Claim 51:

Nicolini teaches wherein the transfer means (14) comprises a plate (24) located in an upper portion of the movable platform (see Fig. 4), at a sufficient distance to allow the product to be loaded between the plate and the movable platform (14) and at least partially constituting the anti-tampering means (page 2 paragraphs [0032-0035]).

Re Claims 57 and 58:

Art Unit: 3651

Nicolini teaches a dispensing apparatus for automatically dispensing products (see Abstract), the dispensing apparatus comprising: a housing enclosing at least one storage unit (see Fig. 2), each of the at least one storage units (30) having at least two platforms vertically arranged in tiers (10), a transfer zone, a transfer device (14) having a platform, located in the transfer zone, for receiving the product (see Fig. 4) and transferring the product from the transfer zone toward an outlet orifice (near 12) a blocking mechanism (12) which, when in a closed position, preventing access to the storage unit and, when in an open position, allowing the product to exit an interior of the housing ; an anti-tampering mechanism (22, 24) preventing access to the interior of the housing when the blocking mechanism is in the open position (see Fig. 4), but fails to teach each of the tiers having an advancing mechanism (40) for advancing at least one of the products (2) to a transfer zone (50); a pushing device (70) for pushing the product (2) through the outlet orifice (60) to an exterior of the housing (10); and a monitoring device for monitor at least one of a function and a status of the dispensing apparatus and the box (10) is isothermal.

Yamaguchi teaches a means (223) for advancing at least one of a product (A) to at least one transfer zone (examiner notes as the area at which the products are released from the shelves (see Fig. 2) and page 2 paragraph [0021]). Yamaguchi teaches wherein the dispensing apparatus comprises at least one of a payment means (12) and a selection means (14) for at least one of the products contained within the dispensing apparatus (1) (see Fig. 1). Therefore, it would have been obvious for one of ordinary



Art Unit: 3651

skill in the art at the time the invention was made to have been motivated to combine the teachings of Nicolini with the product advancing means as suggested in Yamaguchi's disclosure so as to facilitate the removal of a product from a give shelf system.

Patrick teaches a pushing means (located at 7) for pushing a product (3) through an outlet orifice to an exterior of the housing (see Fig. 1) through an outlet orifice (located at 11) (see Figs. 3-8). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have been motivated to combine the teachings of Nicolini with Yamaguchi and Patrick in order to allow for the horizontal displacement of products exiting a storage area to a dispensing area.

Council further in view teaches a means for monitoring a unit and the box is isothermal (col. 1 lines 20-29). Re Claim 58: Council teaches a thermal regulation means (col.2 lines 5-33) for the interior space. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have been motivated to combine the teachings of Nicolini with Yamaguchi, Patrick, and Council in order to provide a thermally regulated dispensing system for heavy or food like products, capable of anti theft measures and transporting a product from an interior of a container to an exterior. It would have also been obvious in the combination of Nicolini, Yamaguchi, Patrick, and Council that the advancing means would be capable of

Art Unit: 3651

pushing a product onto the transferring means as stated above for further dispensing functions.

3. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolini in view of Yamaguchi, Patrick, D. A. Council, and further in view of Forte (US 2004/0140317 A1-hereinafter Forte).

Re claims 41 and 42:

Nicolini in view of Yamaguchi, Patrick, D. A. Council teach the apparatus as described in claims 35 and 32, but fail to teach of a platform with a surface for rolling and being inclined.

Forte further in view teaches wherein each fixed platform (50) comprises a surface for rolling (90) (see Figs. 3A-3E and paragraph [0033]. Re Claim 42: Forte further in view teaches wherein each fixed platform (50) is slightly inclined toward a rear end the transfer zone (see Fig. 2A). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have been motivated to combine the teachings of Nicolini, Yamaguchi, Patrick, and D. A. Council with Forte, in order to provide an alternative conveying means for voluminous types of articles.

Art Unit: 3651

4. Claims 45, 46, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolini in view of Yamaguchi, Patrick, D. A. Council, and further in view of Falk et al. (4,108,333-hereinafter Falk).

Re Claims 45 and 46:

Nicolini in view of Yamaguchi, Patrick, D. A. Council teach the apparatus as described in claims 35 and 32, but fail to teach of an inclined movable platform and the axis of an actuator.

Falk further in view teaches wherein a movable platform (257) defines a plane inclined toward a front facilitating separation of the product pushed by an advancement means from a row of remaining products (see Fig. 4). Re Claim 46: Falk further in view teaches wherein the movable platform (257) comprising a surface for rolling (see Fig. 4). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have been motivated to combine the teachings of Nicolini, Yamaguchi, Patrick, and D. A. Council with that of Falk in order to allow for a greater separation of products being pushed from an advancing means. Re Claim 55: it would have been obvious to one of ordinary skill that to add a pushing device (stated in Patrick's disclosure) at the lower end of the device as stated in the Nicolini's disclosure would result in having one which an axis of the actuator (17, 18) would be generally parallel to the plane of the transfer means (14) with a contacting surface of the pushing device being perpendicular.

Art Unit: 3651

5. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolini in view of Yamaguchi, Patrick, D. A. Council, and further in view of M. H. Voigtritter (2,531,347-hereinafter Voigtritter)

Nicolini in view of Yamaguchi, Patrick, and D. A. Council teach the apparatus as described in claims 47, but fail to teach inclined ramps decreasing in length.

Voigtritter further in view teaches wherein the inclined ramps decrease in length from an upper platform (located at 21) towards a lower platform (located near 55) (see Fig. 1). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have been motivated to combine the teachings of Nicolini, Yamaguchi, Patrick, and Council, with that of Voigtritter in order to allow for maximum space efficiency.

6. Claims 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicolini in view of Yamaguchi, Patrick, D. A. Council, and further in view of Herbst et al. (4,245,731-hereinafter Herbst).

Re Claim 59:

Nicolini in view of Yamaguchi, Patrick, D. A. Council teach the apparatus as described in claim 32, and Re Claim 61: Patrick also teaches wherein a trap door access (6) is connected to an actuator (19) controlled by a regulating means (examiner notes that

Art Unit: 3651

having an actuator indicates having a regulating means), But fail to teach of a recycle bin and means for compacting.

Herbst further in view teaches wherein the dispensing apparatus comprises a recycling container (13) adjacent to a box (1) equipped with at least one inlet orifice (8) for receiving empty packaging from the products (col. 2 lines 43-64). Re Claim 60: Herbst teaches wherein the inlet orifice (8) comprises a trap door access (see configuration of member 8) that moves between a closed and open position (see Fig. 1). Re Claim 62: Herbst teaches wherein the recycling container (13) comprises means for compacting the empty packaging (col. 3 lines 14-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have been motivated to combine the teachings of Nicolini, Yamaguchi, Patrick, and Council with that of Herbst in order to create a disposal facility within communication of a vending machine capable of recyclable purposes and having that facility closed by a trap door which is controlled by an actuation means.

### ***Allowable Subject Matter***

7. Claims 49 and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin L. Randall, JR. whose telephone number is (571)270-5373. The examiner can normally be reached on Monday-Friday 8:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571)272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Application/Control Number: 10/591,105

Page 14

Art Unit: 3651

Examiner, Art Unit 3651